

SUPPORT FOR THE AMENDMENTS

Support for Claim 25 is found on page 5, line 26-27, in the specification.

Support for Claim 26 is found on page 5, lines 34-36, in the specification.

Support for Claim 27 is found on page 5, lines 37-39, in the specification.

No new matter will be added to the above-identified application by entry of this amendment.

Upon entry of this amendment, Claims 1-27 will be active. Claims 4-24 are withdrawn.

REMARKS/ARGUMENTS

Upon entry of the amendment Claims 1-27 are active in this application. Claims 25-27 are new.

Claims 1-24 have been divided into 26 Groups as listed and defined in the Official Action of March 13, 2007. In addition, for each group, an election of a specific poly peptide SEQ ID NO: from the group elected is required.

Applicants elect, with traverse, Group 1, Claims 1-3, for examination.

As a single specific poly peptide SEQ ID NO:, Applicants elect SEQ ID NO: 1.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). Moreover, when citing lack of unity of invention, in a national stage application, the Examiner has the burden of explaining why each group lacks unity with each other (MPEP §1893.03(d)), i.e. why there is no single general inventive concept. The presence of no single inventive concept must be specifically described.

The Examiner has indicated that the application contains a group of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2:

“The technical feature linking Groups 1-26 appears to be immunogenic peptides representing a T epitope presented by MHC I as described in claims 1-3.

However, Thomson et al. (WO 01/090197, September 29, 2001, IDS) teach a peptide of claim 1 comprising the sequence EX<sub>1</sub>AGIGILX<sub>2</sub> (SEQ ID NO: 1) in which X<sub>1</sub> represents A or P, and X<sub>2</sub> represents A or P, and X<sub>2</sub> represents T or Y. Specifically, Thomson et al. teach MART which comprises the peptide EAAGIGILT (Figure 27, page 149/216) and a synthetic protein comprising the same sequence EAAGIGILT (Figure 27, page 179-180/216).”

Annex B of the Administrative Instructions under the PCT at (b) Technical Relationship states:

“The expression “special technical features” is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).”

Applicants respectfully submit that the Examiner has not provided any indication that the contents of the claims **interpreted in light of the description** was considered in making the assertion of a lack of unity and therefore has not met the burden necessary to support the assertion.

Characterizing Groups 1-26 as related as combination and subcombination, the Office has cited MPEP 806.05(c) stating:

“Further, each of the subcombinations has utility by itself because each of the subcombinations is useful for screening for different variables and different markers. Thus the claims are distinct. . .”

MPEP 806.05(c) states that inventions can be shown to be distinct if the subcombination can be shown to have utility either by itself or in another materially different combination.

However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups.

For the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Application No. 10/506,334  
Reply to Restriction Requirement of March 13, 2007

Applicants submit that the above-identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

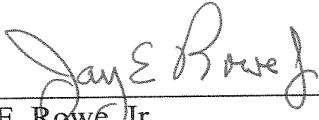
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)

  
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Jay E. Rowe, Jr.  
Registration No. 58,948